



EPA Considering Well Permits; Public Hearing Set for June

Environmental Disposal Systems Inc.
Romulus, Michigan

May 2004

Public comment period

EPA would like to receive your comments about the proposed permits.

The Agency will accept written comments during a 45-day comment period from Wednesday, May 26, to Monday, July 12. Comments should be postmarked no later than midnight July 12 and sent to the EPA office processing the permit:

EPA Region 5 (WU-16J)
UIC Branch (Attn: Dana Rzeznik)
77 W. Jackson Blvd.
Chicago, IL 60604-3590
or e-mail rzeznik.dana@epa.gov

Public hearing

EPA will also hold a public hearing about the permits. Oral and written comments will be accepted at the meeting:

Tuesday, June 29
7 p.m. to 9 p.m.
Crowne Plaza Hotel
8000 Merriman Road
Romulus, Mich.

Administrative record

The full administrative record, including all data submitted by Environmental Disposal Systems Inc. in support of its permit applications, is available for public review at the EPA Region 5 office, 77 W. Jackson Blvd., Chicago, from 9 a.m. to 4 p.m. Chicago time Monday through Friday. If you wish to visit the Region 5 office, please contact Dana Rzeznik before you come.

U.S. Environmental Protection Agency proposes to issue new permits for the operation of two hazardous waste injection wells in Romulus, but the Agency will first hold a public hearing and comment period before the final decision.

Environmental Disposal Systems Inc., 199 W. Brown St., Birmingham, Mich., has applied to EPA for renewal of its permits to operate two Class I commercial hazardous injection wells located at 28470 Citrin Drive, Romulus. The company intends to accept liquid waste, some of which is hazardous, from industrial customers and inject it into two deep wells already built. In March EDS was granted an exemption to the federal law banning underground injection of hazardous waste. EPA determined the company was able to demonstrate the waste will stay confined to a layer of rock more than 3,900 feet underground and will not threaten people or drinking water supplies.

Permits cover operation issues

EPA will hold a public hearing about the permits June 29 at the Crowne Plaza Hotel in Romulus (*see box for details*). The public is also invited to submit written comments by mail or e-mail to EPA. Written and oral comments receive equal consideration.

This particular hearing and comment period will examine only the issues surrounding the well permits and will not address the legal, scientific, feasibility, safety and health issues that arose during deliberations over the exemption that was granted in March. All comments will be accepted, but EPA is bound by federal law to consider only the points that address the two latest permits, such as construction and testing of the wells, operating procedures and future monitoring.

New conditions in the draft permits include changes to the waste analysis plan, the injection rate and pressure, the plugging plan, and limitations on the injection of several kinds of hazardous waste. These conditions were added to make the permits consistent with the well completion reports and the recently approved exemption to the federal ban on the land disposal of hazardous waste.

Legal references

The Safe Drinking Water Act specifically requires regulation of the underground injection of fluids through wells to assure that the quality of underground sources of drinking water is protected. This is done in part by issuing permits to owners and operators of underground injection wells.

Title 40 of the Code of Federal Regulations (40 CFR) parts 124, 144, 146 and 148 govern permitting for injection wells.

This EPA fact sheet is intended as a plain-language summary and public notice of the draft permit application process for permit numbers MI-163-1W-C007 (well #1-12) and MI-163-1W-C008 (well #2-12).

This publication is informational in nature and not intended as a legal brief for the permit action.

The public hearing will be open to all interested parties. In order to ensure that all who attend have the opportunity to comment, time allotted to each participant may be limited to three minutes. A court reporter will transcribe the comments, but no responses will be given until the final decision is reached.

EPA will consider all comments received, in writing or orally at the hearing, and then issue a final permit decision. A document addressing all comments will be released when the final decision is announced.

Under federal law, anyone who files comments on the draft permits or participates in the public hearing is eligible to ask the agency's Environmental Appeals Board to review the final permit decision. Such a request must include a statement of the reasons supporting the review including a showing that the issues being raised were also raised during the hearing or comment period. The request should also show that each condition being appealed is based on a

finding of fact or legal conclusion that is clearly wrong or include an argument that important policy considerations should be reviewed by the Environmental Appeals Board.

Well operation

The disposal company says the average daily volume of the injected waste will be about 240,000 gallons. The waste will be in liquid form and will be hazardous and nonhazardous industrial wastewater from a variety of sources. The waste will include diluted acids, spent solvents and landfill drainage as well as a variety of nonhazardous materials.

Construction of the two wells was completed in 2002. The original permits from EPA were granted in 1998 and expired Oct. 15, 2003, but remain enforceable until new permits are either granted or denied. Actual operation won't start until EDS receives written permission from Region 5's water division director. Every 10 years EDS must apply for new permits.

The federal Safe Drinking Water Act requires EPA to administer Underground Injection Control (UIC) programs in states that do not have their own programs. Michigan did not seek the federal UIC program, so EPA is the primary governing agency in this case.

History of EDS proposal

To gain an exemption from the land ban for waste disposal in the federal Resource Conservation and Recovery Act, EDS had to demonstrate "to a reasonable degree of certainty" that its waste would not move above the injection zone or come into contact with drinking water for at least 10,000 years. EPA concluded EDS met the demanding requirements for an exemption.

EDS plans to operate the wells for 20 years. However, the waste that will be pumped into the injection zone will move very little (only a few feet upward and a little more than three miles sideways) during that time.

Injecting hazardous waste deep underground is a proven way of safe disposal. Since Underground Injection Control regulations have been in place, there have been no failures of wells resulting in contamination of underground sources of drinking water.

The integrity of the well construction is a part of the permit deliberations. EDS performed several tests on the wells, including injecting a radioactive tracer to test for leaks. The wells are also set up with alarms and will be continuously monitored for leaks or breaks. The well casings will undergo a thorough test once a year during the 20-year operation.

Additional technical information

Site geology: The injection zone for Class I hazardous wells is subdivided into an injection zone or interval into which the fluid is directly injected and a safety valve layer, which has the technical name of “arrestment interval.” The fluid could spread out through this safety layer but won’t be able to leave it.

In these wells, injection is permitted into the rocks in the interval between the depths of 3,937 and 4,550 feet below the surface. Geologists have names for these rock layers (the Mt. Simon, Eau Claire, and

Information at local libraries

Public documents concerning the EDS injection wells are available at three local libraries:

Romulus Public Library 11121 Wayne Road Mon.-Thr. 10 a.m.-8 p.m. Sat. noon-5 p.m.	Taylor Community Library 12303 Pardee Road Mon.-Thr. 10 a.m.-8 p.m. Fri.-Sat. 10 a.m.-5 p.m.
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Eshleman Library, Henry Ford Community College
5101 Evergreen Road, Dearborn
Mon.-Thurs. 7:30 a.m.-9:30 p.m.

Web page

For more information about EPA’s Underground Injection Control program:
www.epa.gov/r5water/uic/uic.htm

Franconia-Dresbach formations). The safety layer lies at depths between 3,369 and 3,937 feet underground (Trempealeau, Glenwood, and lower Black River formations). Above the safety valve layer, additional rock layers called the confining zone give added insurance that injected fluids will never reach underground sources of drinking water. The confining zone is composed of dense limestone and shale that doesn’t hold water and serves as a lid over the injection zone (the upper Black River, Trenton, and Utica formations).

Contact EPA

For more information and questions, or if you need special accommodations to attend the public hearing, **Dana Rzeznik** will be available to help you. You can contact her at:

EPA Region 5
Underground Injection Control Branch
(mail code WU-16J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590

(312) 886-1492
toll-free (800) 621-8431,
weekdays 10 a.m.-5:30 p.m. EDT
rzeznik.dana@epa.gov

Underground sources of drinking water: This is defined by federal law as any aquifer (underground formation containing water) or part of an aquifer that contains less than 10,000 milligrams per liter of total dissolved solids and which is being or can be used as a source of drinking water. The base of the lowermost underground source of drinking water at this site has been identified at a depth of 136 feet. This water-bearing formation is the Dundee Limestone.

Area of review: Under 40 CFR 146.63, the area of review for these EDS wells is a circle with a radius of 6.1 miles extending from the center of an imaginary line connecting the two wells. Within the area of review, inspectors found no producing or injection

wells, one temporarily abandoned well, and one plugged and abandoned well that penetrates the confining zone. The determination of the area of review is in the “Permit Renewal Application for Class I Hazardous EDS #1-12 and EDS #2-12” and in another document titled “UIC Class I Petition Revision Following Construction of EDS #1-12 and #2-12.” These documents are part of the administrative record.

Maximum injection pressure: The proposed permitted maximum injection pressure shall be limited to 765 pounds per square inch gauge. Maximum injection pressure is discussed in the draft permit, Attachment A, and in the administrative record.

Injection fluid: Wastewater allowed for disposal may consist of hazardous and nonhazardous ingredients. The RCRA hazardous waste codes that are allowed are listed in the “Notice of Issuance of Exemption from Land Disposal Restrictions” and in the draft permit, Attachment D, which are part of the administrative record.

Financial assurance: EDS has demonstrated adequate financial resources to plug and abandon these wells and for post-closure care by means of an irrevocable letter of credit and standby trust agreement and state bond. These statements are in the draft permit, Attachment B. The plugging cost estimate for each well must be updated on an annual basis.



Region 5
Office of Public Affairs (P-19J)
77 West Jackson Boulevard
Chicago, Illinois 60604

EDS ROMULUS, MICH. – Well Permits Considered